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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of Roman Golicz et al.

Serial No. 08/962,077

Date: September 9, 1998

Filed: October 31, 1997

Examiner:

Applicant: Roman Golicz et al.

Art Unit:

Title: Sheet Feeding Apparatus

Atty. No. 9534

RECEIVED

OCT 16 1998

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

Asst. Commissioner for Patents

Attention: SPECIAL PROGRAM LAW OFFICE

PETITION

RELATING TO FILING DATE

1. Applicants hereby submit this petition pursuant to 37 CFR 1.181, together with check in payment of a fee of \$130. Please charge any insufficiency in fee to Deposit Account 14-0711.

2. Applicants respectfully petition the Commissioner for a determination that

(a) the above referenced application filed on 10/31/97 was complete, within the meaning of 35 USC 371; and;

(b) under PCT Article 11(3), 35 USC 371, and 37 CFR 1.53(f), the effective US filing date of the application is 1 April 1997.

3. Applicants request refund of the petition fee submitted herewith because the application was complete.

4. Background

Applicants filed International application No. PCT/US97/05320 on 1 April 1997, designating US, DE and GB. On 10/9/97 the International Bureau communicated the application to the USPTO.

Applicants entered the US national stage by a filing on October 31, 1997. That date is the date of deposit by express mail of a transmittal letter, declaration, amended claims, formal drawings, and fee.

The 10/31/97 documents asserted that the specification had been previously deposited with the Commissioner pursuant to PCT Rule 47.1(c). A copy of the specification was thus not submitted on 10/31/97.

09/17/1998 LSNEED 00000050 08962077 130.00 OP

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On 7/15/98 a Notice of Incomplete Application was sent to applicants. It stated that the specification was missing, and was required within 2 months. (The notice was dated nine months after the date of express mail deposit by applicants.)

Applicants have now submitted a copy of their PCT specification (including also the claims and drawings) in response to the Notice, without admitting that the application was incomplete.

5. Argument

Applicants submit that on 10/31/97, the PTO was in possession of the specification and that, with the filing of the declaration, etc., the application was therefore complete.

The PTO received applicants' specification on October 9, 1997 from the International Bureau of WIPO. See Form PCT/1B/308 attached, which was also included with applicants' 10/31/97 filing. The Form indicates that the application has been communicated to the designated Office of the US. "The designated Office is the national Office (for example, the USPTO)..." MPEP 1801.

Applicants' declaration sent on 10/31/97 specifically referred to, and thus incorporated, the PCT specification which had been transmitted by WIPO to the USPTO, by number and filing date. Copy attached.

Therefore, on 10/31/97, the PTO had in its possession the specification. To commence the national stage, 35 USC 371(c)(2) says that a copy of the international application ought be filed "unless...already communicated by the International Bureau". Since such had already taken place, applicants were not required to submit another copy of the specification.

Consequently, under 35 USC 371 applicants met all the requirements for commencing the national stage on 10/31/97 and the filing date ought to be the filing date of the PCT application.

Granting of the petition and refund of the petition fee is respectfully requested.

Respectfully submitted,
ROMAN GOLICZ et al.

By Charles G. Nessler
Their Attorney

Charles G. Nessler
Box H
Chester, CT 06412
(860) 526 9149

I hereby certify that this correspondence
is being deposited with the United States
Postal Service as first class mail in an
envelope addressed to: Commissioner of
Patents and Trademarks, Washington, D.C.
20231 on

9/9/98

Charles G. Nessler



PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

To:

NESSLER, Charles, G.
P.O. Box H
Chester, CT 06412
ETATS-UNIS D'AMERIQUE

NOTICE INFORMING THE APPLICANT OF THE
COMMUNICATION OF THE INTERNATIONAL
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

Date of mailing (day/month/year) 09 October 1997 (09.10.97)		
Applicant's or agent's file reference 9534		IMPORTANT NOTICE
International application No. PCT/US97/05320	International filing date (day/month/year) 01 April 1997 (01.04.97)	Priority date (day/month/year) 01 April 1996 (01.04.96)
Applicant GOLICZ, Roman, M. et al		

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:

US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

DE,GB

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on 09 October 1997 (09.10.97) under No. WO 97/36812

REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer J. Zahra
Facsimile No. (41-22) 740.14.35	Telephone No. (41-22) 338.83.38

COMBINED DECLARATION AND POWER OF ATTORNEY
IN ORIGINAL APPLICATION

ATTORNEY DOCKET NO.
9534

I declare: that my residence and citizenship are as stated below next to my name; that I believe I am the original, first and sole inventor (if only I am named below) or joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought in the specification ~~attached hereto~~ entitled

Sheet Feeding Apparatus, Application PCT/US97/05320, filed 01 April 1997

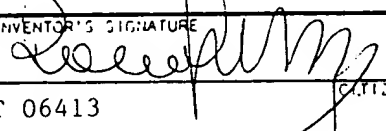

with the US Receiving Office ;

that I have reviewed and understand the contents of the above-identified specification, including the claims; that I acknowledge the duty to disclose information which is material to the examination of the application under 37 C.F.R. §1.56(a); that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

I appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Charles G. Nessler Reg. No. 27,825
P.O. Box H
Chester, CT 06412

Send all correspondence to him

FULL NAME OF ROLE OR FIRST INVENTOR Roman M. Golicz	INVENTOR'S SIGNATURE 	DATE 06/23/97
RESIDENCE 25 Indian Drive, Clinton, CT 06413	CITIZENSHIP USA	
POST OFFICE ADDRESS same as above		
FULL NAME OF SECOND JOINT INVENTOR, IF ANY Stefan G. Golicz	INVENTOR'S SIGNATURE 	DATE 6/23/97
RESIDENCE 26 Old Deep River Rd, Essex, CT 06426	CITIZENSHIP USA	
POST OFFICE ADDRESS same as above		
FULL NAME OF THIRD JOINT INVENTOR, IF ANY	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		



Attachment to papers relating to patent application of

ROMAN GOLICZ ET AL.

For: SHEET FEEDING APPARATUS

Atty. Docket No. 4534

Application PCT/US 97/05320

Enclosure:

- ✓ Transmittal Letter with Check/Authorization to Charge
- ✓ Application *Previously filed by US RO / PCT*
- ✓ ~~Informal~~ Drawings 8 pg
- ✓ Independent Inventor or Small Entity Declaration

Assignment

Check for \$

Return Postcard

I hereby certify that this correspondence is being deposited
with the United States Postal Service as EXPRESS MAIL in an
envelope addressed to Commissioner of Patents and Trademarks,
Washington, D.C. 20231 on 10/31 1997.

Charles G. Nessler
Charles G. Nessler

10/30/97
Date

Label No. E 173 9521 655 US



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 9534
PCT/US97/05320

Commissioner of Patents and Trademarks
Washington DC 20231

Sir:

Enclosed herewith for filing is the patent application of Roman Golizc et al

Title: SHEET FEEDING APPARATUS

THIS APPLICATION WAS FILED AS PCT APPLICATION NO. PCT/US97/05320 on April 1, 1997. This application is a continuation of the aforementioned PCT application. It has been communicated to the US PTO. See Form 1B/308, copy attached. Also enclosed is a copy of the international search report.

The fee has been calculated as follows AFTER entry of the enclosed preliminary amendment:

	<u>Number Filed</u>	<u>Extra</u>	<u>Rate</u>	<u>Fee</u>
			Basic Fee \$	395
Total Claims:	19	0		0
Independent Claims	5		41	82
Multiple Dependent Claims			Total \$	477

- ☒ Enclosed is applicants' declaration and power of attorney
- ☒ Enclosed is a small entity/independent inventor declaration
- ☒ Applicant encloses 8 sheets formal drawings. These were also supplied to the USRO, but the PCT application was published with the informal drawings.
- ☒ Please record the enclosed assignment, for which \$40 is payable. (A duplicate is enclosed.)
- ☒ Enclosed is a check for \$ 527 . Charge any fees not paid for herewith to Account No. 14-0711. (A second duplicate is enclosed.)
- ☒ Enclosed is a preliminary amendment, for entry after filing of this application.

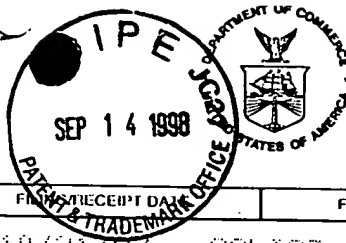
Send all correspondence to the undersigned.

Charles G. Nessler
Charles G. Nessler
Attorney of Record

Date: 10/31/97

C. G. Nessler
Box H
Chester, CT 06412
860 526 9149

C. G. NESSLER BOX H CHESTER, CT 06412		1580
10/31 1997		51-57/119
PAY TO THE ORDER OF	Commissioner of Patents + Trademarks	\$ 527.00
Five hundred twenty seven —		DOLLARS
FLEET BANK		
#9534 Golizc et al Sheet Feeder filing fee		
"001580" 1011900571: 00900 30816"		



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
08/962,077	10/31/97	GOLICZ	R 9534

CHARLES R NESSLER
P O BOX H
CHESTER CT 06412

0222/0714

NOT ASSIGNED

3615

DATE MAILED:

07/14/98

NOTICE OF INCOMPLETE APPLICATION

A filing date has NOT been assigned to the above identified application papers for the reason(s) indicated below.

All of the items noted below, unless otherwise indicated, must be submitted within **TWO MONTHS** of the date of this Notice, or the application may be returned or otherwise disposed of. Any fee which has been submitted will be refunded less a \$130.00 handling fee. (37 CFR 1.53(c)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the items required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of the Assistant Commissioner for Patents accompanied by the \$130.00 petition fee. (37 CFR 1.1 7(i)). If the petition states that the application is complete, a request for refund of the petition fee may be included in the petition.

☒ 1. The specification (description and claims):

- ☒ a. is missing.
- ☐ b. does not include a written description of the invention.
- ☐ c. does not include at least one claim as prescribed by 35 U.S.C. 112.

A complete specification (including at least one claim in a nonprovisional application) as prescribed by 35 U.S.C. 112 is required.

☐ 2. The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."

Applicant should reconsider whether drawings are necessary under 35 U. S. C. 113 (first sentence).

☐ 3. The inventor's name(s) is missing.

The full names of all inventors are required in compliance with 37 CFR 1.41.

☐ 4. OTHER:

Additional observations on the above-identified application papers:

- ☐ 1. Pages _____ of the specification are missing.
- ☐ 2. Figures _____ described in the specification are missing.

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

Enclosed:

- ☐ "General Information Concerning Patents." See page _____
- ☐ "Notice to File Missing Parts of Application," Form PTO-1532.
- ☐ "Checklist for Patent Applications."
- ☐ Other:

COPY

A copy of this notice MUST be returned with the response.

Customer Service Center
Initial Patent Examination Division (703) 308-1202



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of Roman Golicz et al.

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Art Unit:

Title: Sheet Feeding Apparatus

Atty. No. 9534

Asst. Commissioner for Patents

Attention: Box Missing Parts

TRANSMITTAL OF SPECIFICATION

Responsive to the 7/14/98 Notice of Incomplete Application, copy attached, applicants submit herewith a copy of the specification.

The enclosed specification is the same document which was previously transmitted to the USPTO as designated Office on behalf of applicants by the International Bureau of WIPO, on 9 October 1997, as part of international application PCT/US97/05320. For completeness, applicants include the entire PCT application, including the claims, drawings, and abstract.

Applicants do not by this transmittal concede that the application filed on 10/31/97 was incomplete or that the item enclosed was required for a filing date. Applicant is separately submitting a petition to such effect.

Respectfully submitted,
ROMAN GOLICZ et al.

By Charles G. Nessler
Their Attorney

Charles G. Nessler
Box H
Chester, CT 06412
(860) 526 9149

I hereby certify that this correspondence
is being deposited with the United States
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Patents and Trademarks, Washington, D.C.
20231 on

9/9/98

C. Nessler

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